

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 776, FOOD AND DRUGS ACT.

MISBRANDING OF MACARONI.

On or about September 17, 1910, L. Verno, Philadelphia, Pa., shipped from the State of Pennsylvania to Salvatore Manoco and Carmen Lacavora, Washington, D. C., 24 boxes of macaroni, labeled "Premiato Pastificio, F. Porreca—Fu Giovanni—Trade Mark, Con Mulini, A. Cilindri, Macaroni Uso Napoli." Said label bore in addition certain pictures or designs showing and depicting certain foreign medals. Samples of this product were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to be a macaroni manufactured in the United States of America. As the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Columbia.

On September 23, 1910, a libel was filed against the said 24 boxes of macaroni in the Supreme Court of the District of Columbia, holding a district court, charging the above shipment, and alleging that the product in question was misbranded in that the label above set forth represented it to be a foreign product when not so, for the reason that the Italian words above set forth, taken by themselves and also in connection with the aforesaid designs, signified and purported that the product in question had been manufactured within the country of Italy, and after being so manufactured, had been imported into the United States of America from the said country of Italy, whereas the said macaroni had not been manufactured in

the said country of Italy nor imported therefrom into the United States but in fact had been manufactured within the said United States at or near the city of Philadelphia, in the State of Pennsylvania, and praying condemnation and seizure of the product.

On October 22, 1910, Salvatore Manoco and Carmen Lacavora, the consignees aforesaid, filed their plea and answer, claiming ownership of the boxes of macaroni aforesaid, admitting the allegations of the above libel, and consenting that judgment and condemnation against the said goods be entered, as prayed in said libel, and setting forth their willingness to pay the costs of the proceedings in question, and petitioning that they be permitted to execute and deliver a good and sufficient bond, conditioned that the said macaroni should not be sold or disposed of contrary to law, and that upon the furnishing of such bond, the court might direct the delivery of the product to said respondents. On the same day the court issued its decree, finding the product to be misbranded as alleged in the libel aforesaid, and condemning and forfeiting the same to the United States, with the proviso, however, that should said respondents furnish a good and sufficient bond in the penal sum of \$38, conditioned that the product in question should not be sold or otherwise disposed of contrary to law, the marshal for said district should release unto said respondents the product in question. The bond having been furnished in conformity with the terms of this decree, the product was forthwith delivered to the respondents.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 14, 1911.*